

Antidegradation Requirements New to the Coal General Permit

In accordance with EPA's April 12, 2005 approval of the Commonwealth of Kentucky's Antidegradation Rule, the Division of Water must now conduct an antidegradation review for each NOI received on or after April 12, 2005. This will require the submittal of KPDES Form HQAA (High Quality Waters Alternative Analysis) as part each NOI that is submitted for new General Permit coverages, and amendments to general coverages that propose to expand into new watersheds or add additional acreage in existing watersheds. In addition, a 30-day public notice period will be required for each new or amended General Permit coverage. These new requirements will apply to applications submitted for new General Permit coverages as well as applications for amended or expanded coverages.

New NOI Requirements

The following language and requirements have been added:

In accordance with EPA's April 12, 2005 approval of the Commonwealth of Kentucky's Antidegradation Rule the following NOI informational requirements are established.

Application for a new coverage under this General Permit shall take the form of a Notice of Intent (NOI), which will consist of the following elements:

- a. A completed KPDES FORM NOI-CM and attachments.
- b. A full size color USGS 7½-minute quadrangle map with the facility site clearly marked.
- c. Copies of the Mining and Reclamation Map and Environmental Resources Map.
- d. At least three completed Stream Characteristics Data Sheet for each impacted receiving water in the mine area with accompanying photographs.
- e. A completed KPDES FORM HQAA - High Quality Water Alternative Analysis.

The Notice of Intent (NOI), is to be submitted to the Division of Water at the same time as the preliminary application is filed with the Department for Natural Resources. Should changes in the proposed activity occur, then a revised NOI will be required.

Public Notice Requirements

The following requirement has been added:

A further condition of the EPA approval of the Commonwealth of Kentucky's Antidegradation Rule requires the Division of Water to provide an opportunity for public participation when granting new General Permit coverage or modifications related to expansions. Therefore, notification of such actions will be included in the Division of Water's routine public notice procedures.